

Reply to Office Action dated August 22, 2007

REMARKS

Claims 1, 3, 5-7, 9-10, 13, 15-19, 21, 29 and 32-38 are pending in this application. By this Amendment, claims 1, 9-10, 16, 21 and 32 are amended and claims 2, 8, 14, 20 and 25-28 are canceled without prejudice or disclaimer. Various amendments are made for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. More specifically, the independent claims are amended to include features of previous dependent claims 2, 8, 14 and 25-28. No new issues are raised. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-3, 5-10, 13-21, 25-29 and 32-38 under 35 U.S.C. §103(a) over U.S. Patent Publication 2004/0147284 to Laumen et al. (hereafter Laumen) in view of U.S. Patent Publication 2004/0185883 to Rukman. The rejection is respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving a first short message service (SMS) message of a multimedia message service (MMS) notification message at a mobile station (MS), and performing a flag setting in the MS after receiving the first SMS message of the MMS notification message, the flag setting to restrain radio area update (RAU) processing and to allow the MS to monitor a paging channel. Independent claim 1 also recites receiving a second SMS message of the MMS notification message at the MS. Further, independent claim 1 recites that

Reply to Office Action dated August 22, 2007

performing the flag setting occurs prior to receiving the second SMS message at the MS while the flag setting restrains the RAU processing and while the MS is monitoring the paging channel, the second SMS message of the MMS notification message being different than the first SMS message of the MMS notification message. Still further, independent claim 1 recites releasing the flag setting in response to receiving the second SMS message at the MS, performing the RAU processing in response to releasing the flag setting, and forming one MMS notification message at the MS from the received first SMS message and the received second SMS message.

The applied references do not teach at least these features of independent claim 1, which includes features of previous dependent claims 2, 8 and 27-28. The Office Action (on page 2) states that the flag setting or the setting of an indicator does not warrant a patent. The Office Action further states that flag setting is used to stop execution of an operation until other parameters have been met, then normal protocol or function can continue. However, the Office Action's statements appear to be without an understanding of the unique advantages that result based on the flag setting. The flag setting is not merely to stop execution of a program as appears to be alleged.

Independent claim 1 recites a specific method that allows first and second SMS messages to form one MMS notification message. This allows messages to be obtained at a mobile station in a quicker manner than the prior art. See, for example, paragraphs [0020]-[0023] of the present specification discussing problems of time delay in disadvantageous arrangements. More specifically, paragraph [0023] teaches that when a radio resource (RR) connection is made to the base station (MS), a time delay may occur in receiving messages. See also paragraphs [0007]-

Reply to Office Action dated August 22, 2007

[0008], [0024] and [0029]-[0031] discussing removing the delay based on the flag setting. Paragraph [0024] also discusses preventing the time delay by performing a connection/release of a radio resource for each message. Furthermore, independent claim 1 recites a specific methodology (including flag setting and releasing) to overcome problems of time delays. Independent claim 1 also has a specific correlation between flag setting/releasing and RAU processing. The Office Action's comments that "a flag setting does not warrant a patent" are made without consideration of the advantages of the combination of the flag setting/releasing and/or RAU processing. Laumen and Rukman do not discuss this disadvantageous problem and/or a methodology to overcome the problem. Laumen and Rukman also do not teach or suggest the specific combination of features.

Applicant respectfully submits that the Office Action does not address the specific features recited in independent claim 1 with regard to the flag setting, the RAU processing and the receiving of the first and second SMS messages. Laumen and Rukman do not relate to the combination of flag setting and performing the RAU processing, as recited in independent claim 1.

Laumen and Rukman do not teach or suggest performing a flag setting in the MS after receiving the first SMS message of the MMS notification message, the flag setting to restrain RAU processing and to allow the MS to monitor a paging channel. The Office Action (on page 4) appears to cite Laumen's FIG. 3, Abstract and paragraphs [0030] and [0042] for features relating to performing the flag setting. However, the "flag" discussed in paragraph [0030] relates to whether a MMS is being used as a bearer service or not. This does not teach or suggest

Reply to Office Action dated August 22, 2007

performing a flag setting to restrain radio area update RAU processing and to allow the MS to monitor a paging channel, as recited in independent claim 1. Laumen's paragraph [0042] does not discuss a flag relating to the flag setting.

The Office Action (on page 2) states that flag setting does not warrant a patent. However, the Office Action has not addressed the specific features of independent claim 1 relating to the flag setting and RAU processing. The applied references (and the Office Action) do not recognize the unique combination of features to reduce a time delay.

Laumen and Rukman do not teach or suggest receiving a second SMS message of the MMS notification message at the MS while the flag setting restrains the RAU processing and while the MS is monitoring the paging channel. The Office Action (on page 4) merely references Laumen's FIG. 3, Abstract, paragraphs [0030] and [0042] and Table 5 as teaching receiving the second SMS message. However, these features do not relate to receiving a second SMS message while the flag setting restrains the RAU processing and while the MS is monitoring the paging channel. See, for example, paragraph [0023] of the present specification that discusses that time delays occur when performing RAU (and when receiving multiple messages). These problems may be overcome by using a flag setting to restrain processing. Rukman does not teach or suggest the features of independent claim 1 missing from Laumen.

Still further, independent claim 1 recites releasing the flag setting in response to receiving the second SMS message at the MS, performing the RAU processing in response to releasing the flag setting, and forming one MMS notification message at the MS from the received first SMS message and the received second SMS message. When discussing previous dependent claims 27

Reply to Office Action dated August 22, 2007

and 28, the Office Action (on pages 10-11) appears to state that Laumen inherently teaches that when a second message is done being received, a flag is reset. However, this does not teach or suggest performing the RAU processing in response to releasing the flag setting. Rukman does not teach or suggest these features of independent claim 1 missing from Laumen.

For at least the reasons set forth above, Laumen and Rukman do not teach or suggest all the features of independent claim 1. Independent claim 1 therefore defines patentable subject matter.

Independent claim 10 recites that a routing area update (RAU) is controlled based on the received first and second SMS messages of the one MMS notification message and based on a flag setting of the mobile station. Independent claim 10 also recites that the RAU is prevented from being performed at a time of the flag setting and while the mobile station monitors a paging channel during the time of the flag setting. Still further, independent claim 10 also recites that the RAU is performed after changing the flag setting in response to receiving the second one of the two SMS messages constituting the one MMS notification message, wherein the flag setting occurs after receiving the first one of the two SMS messages constituting the one MMS notification message and the flag setting occurs prior to receiving the second one of the two SMS messages constituting the one MMS notification message.

The applied references do not teach or suggest at least these features of independent claim 10, which includes features of previous dependent claim 14. More specifically, Laumen and Rukman do not teach or suggest that a routing area update (RAU) is controlled based on a flag setting of the mobile station. The Office Action's citation to Laumen's paragraphs [0030]

Reply to Office Action dated August 22, 2007

and [0042] does not suggest controlling RAU based on a flag setting. Laumen and Rukman also do not teach or suggest that the RAU is prevented from being performed at a time of the flag setting and while the mobile station monitors a paging channel during the time of the flag setting. The Office Action's citation does not support these features. Additionally, Laumen and Rukman do not teach or suggest that the RAU is performed after changing the flag setting in response to receiving the second one of the two SMS messages constituting the one MMS notification message. Thus, independent claim 10 defines patentable subject matter.

Independent claim 16 recites releasing a radio resource (RR) connection when a first SMS message of the one MMS notification message is received at a mobile station, and performing a flag setting when the RR connection is released and allowing the mobile station to monitor a paging channel while the flag is set. Independent claim 16 also recites receiving a second SMS message of the one MMS notification message at the mobile station while the flag is set and while the mobile station is monitoring the paging channel, and releasing the flag setting in response to receiving the second SMS message at the MS, wherein performing the flag setting occurs after receiving the first SMS message at the mobile station and prior to receiving the second SMS message at the mobile station. Still further, independent claim 16 recites performing the RAU processing in response to releasing the flag setting.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 16, which includes features from previous dependent claims 27-28. More specifically, Laumen and Rukman do not teach or suggest

Reply to Office Action dated August 22, 2007

performing a flag setting when the RR connection is released and allowing the mobile station to monitor a paging channel while the flag is set. Laumen and Rukman also do not teach or suggest releasing the flag setting in response to receiving the second SMS message at the MS, and performing the RAU processing in response to releasing the flag setting. Thus, independent claim 16 defines patentable subject matter.

Independent claim 21 recites releasing a radio resource connection when the first SMS message is determined to be part of the MMS notification message, and setting a flag based on the determination regarding the first SMS message. Independent claim 21 also recites receiving a second SMS message at the mobile terminal, the second SMS message being another part of the MMS notification message, and changing the flag setting after receiving the second SMS message at the mobile station. Independent claim 21 also recites performing a routing area update (RAU) processing in response to changing the flag setting.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 21, which includes features of previous dependent claims 25-26. More specifically, Laumen and Rukman do not teach or suggest changing the flag setting after receiving the second SMS message at the mobile station, and performing a routing area update (RAU) processing in response to changing the flag setting. Thus, independent claim 21 defines patentable subject matter at least for this reason.

For at least the reasons set forth above, each of independent claims 1, 10, 16 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the

Reply to Office Action dated August 22, 2007

independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3, 5-7, 9-10, 13, 15-19, 21, 29 and 32-38 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3777 DCO/kah

Date: November 19, 2007

Please direct all correspondence to Customer Number 34610